

CRIMINAL COMPLAINT  
(Electronically Submitted)

<b>United States District Court</b>	DISTRICT of ARIZONA
<b>United States of America</b> <b>v.</b> <b>Miguel Soto-Morando</b> DOB: 1987; United States Citizen	DOCKET NO.  MAGISTRATE'S CASE NO. 24-10735MJ
Complaint for violations of Title 18, United States Code, §§ 554(a), 111(a), 111(b), 922(g)(1), and 924(a)(8)	
<p><b>COUNT 1:</b> On or about October 16, 2024, at or near Nogales, in the District of Arizona, <b>Miguel Soto-Morando</b> knowingly and fraudulently attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: 3,140 rounds of ATS 7.62x39mm ammunition, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Parts 736.2, 738, and 774; all in violation of Title 18, United States Code, Section 554(a).</p> <p><b>COUNT 2:</b> On or about October 16, 2024, at or near Nogales, in the District of Arizona, <b>Miguel Soto-Morando</b>, did intentionally and forcibly assault United States Customs and Border Protection Officer K. M., a person designated under Title 18, United States Code, Section 1114 as a Federal officer, while Officer K. M. was engaged in and on account of the performance of his official duties, and in the commission of such assault, the defendant did use a deadly and dangerous weapon, to wit: the vehicle he was driving; all in violation in the performance of Title 18, United States Code, Sections 111(a) and 111(b).</p> <p><b>COUNT 3:</b> On or about October 16, 2024, at or near Nogales, in the District of Arizona, <b>Miguel Soto-Morando</b> knowingly having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess ammunition, that is: 3,140 rounds of ATS 7.62x39mm ammunition, said ammunition being in and affecting commerce in that it was previously transported into the state of Arizona from another state or foreign country; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).</p>	
<p><b>BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:</b></p> <p>On or about October 16, 2024, <b>Miguel Soto-Morando</b> attempted to exit the United States and enter the Republic of Mexico through the DeConcini Port of Entry in Nogales, Arizona. A Customs and Border Protection (CBPO) Canine Enforcement Officer (CEO) was conducting outbound canine vehicle inspections when he stopped <b>Soto-Morando</b>, who was the driver and sole occupant of a GMC Sierra pickup truck bearing Arizona license plate C5A5KG. The vehicle was inspected by a trained canine CBP Currency and Firearms Detector Dog (CFDD) who conducted a canine exterior screen of the truck. The canine alerted to the presence of a trained odor on the vehicle, specifically the rear bumper and undercarriage of the vehicle. The CBPO then notified two other CBPOs who were part of a Contraband Enforcement Team (CET) of the alert. CBPO K. M. of the CET checked the spare tire of the truck, which was located near the rear bumper and undercarriage, with a density meter, and saw that it had a high reading. CBPO K. M. notified a CBPO to refer the truck to the secondary inspection area.</p> <p><b>(BASIS OF COMPLAINT CONTINUED ON REVERSE.)</b></p>	
MATERIAL WITNESSES IN RELATION TO THE CHARGE: N/A	
<p><b>DETENTION REQUESTED</b></p> <p>Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.</p>	<p><b>SIGNATURE OF COMPLAINANT</b></p> <p>MICHELLE TERWILLIGER Digitally signed by MICHELLE TERWILLIGER Date: 2024.10.18 16:01:04 -0700</p>
<p>AUTHORIZED BY AUSA <i>R. Arellano</i> RAQUEL ARELLANO Digitally signed by RAQUEL ARELLANO Date: 2024.10.18 15:54:37 -0700</p>	<p><b>OFFICIAL TITLE</b></p> <p>Michelle L. Terwilliger Special Agent, Federal Bureau of Investigation</p>
Sworn by telephone <u>  x  </u>	
<p>SIGNATURE OF MAGISTRATE JUDGE<sup>1)</sup></p> <p><i>June M. Mendez</i></p>	<p>DATE</p> <p>October 18, 2024</p>

1) See Federal Rules of Criminal Procedure Rules 3, 4.1, and 54

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**(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)**  
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During the inspection at secondary and while CBPO K. M. was standing on the driver's side of the truck talking to **Soto-Morando**, **Soto-Morando** began to drive forward. CBPO K. M. reached inside the truck to maneuver the steering wheel while the truck was in motion. **Soto-Morando**, however, continued to drive toward the international boundary with Mexico with CBPO K. M. still partially inside the truck. The truck crashed into a cement pillar located within the United States, causing CBPO K. M. to fall out of the vehicle and onto the ground. The truck then traveled approximately 10 yards and hit a metal gate where it came to a stop. After **Soto-Morando** got out of the truck, CBPO K. M. and another CBPO discharged their firearms. **Soto-Morando** was shot in his right leg and his right arm. He was eventually taken to Banner UMC in Tucson, Arizona. CBPO K. M. was taken to Holy Cross Hospital for examination.

The spare tire, which had been under the truck, had fallen onto the ground near the final location of the truck. A CBPO attempted to place the spare tire in the bed of the truck but was unable to lift it because the tire was extremely heavy. CBPOs took the tire to secondary inspection to the Z portal (X-Ray machine) which showed anomalies inside the tire. An image from the Z portal showed numerous rounds of firearm ammunition located inside the tire. The truck and the spare tire were towed to the Tucson FBI Resident Agency where a search of the spare tire revealed approximately 3,140 rounds of ATS 7.62x39mm ammunition concealed within.

A records check by law enforcement revealed that **Soto-Morando** has the following prior felony conviction in Pima County Superior Court: Court Case number CR20154319-001 for Attempted Possession of Marijuana for Sale dated October, 2016. This conviction is a felony offense punishable by imprisonment for a term exceeding one year.

An ATF interstate nexus expert performed a preliminary interstate nexus determination and determined the ammunition found in the spare tire of the truck **Soto-Morando** was driving was not manufactured in the state of Arizona, and thus traveled in interstate and/or foreign commerce

The ammunition contained in the spare tire of the truck **Soto-Morando** was driving qualifies as a United States Commerce Control List item and therefore is prohibited by law for export from the United States into Mexico without a valid license. **Soto-Morando** did not possess or present a valid license to export ammunition.

**(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)**  
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